

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

TRUCK DRIVERS AND HELPERS
LOCAL UNION NO. 355
HEALTH AND WELFARE FUND,

Plaintiff,

Civil Action No. RDB 19-3213

v.

THE ESTATE OF MARK A.
DELINSKI, et. al.,

Defendants.

* * * * *

**MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY
INJUNCTION AND FOR ACCELERATED DISCOVERY**

Plaintiff, Truck Drivers and Helpers Local Union No. 355 Health and Welfare Fund (“Health Fund”), by and through its counsel, Corey Smith Bott, Shauna Barnaskas, and the law firm of Abato, Rubenstein and Abato, P.A., hereby moves, pursuant to Federal Rules of Civil Procedure 26(d), 65(a) and (b) for a temporary restraining order and/or an injunction *pendente lite*, and for accelerated discovery, and for its reasons therefore states:

1. The requested temporary restraining order and/or preliminary injunction is necessary to preserve the rights of the Plaintiff Health Fund and the rights of its participants and beneficiaries.
2. Good cause exists to authorize Plaintiff to seek discovery from Defendants and other sources prior to the issuance of a scheduling order or scheduling conference.
3. Plaintiff submits, contemporaneously herewith, a Memorandum in Support of its Motion for Temporary Restraining Order and/or Preliminary Injunction and for Accelerated Discovery.

WHEREFORE, Plaintiff prays that this honorable Court:

- a. Enter a temporary restraining order and/or preliminary injunction prohibiting Defendants, or their agents, from distributing money from any source held in trust for the benefit of Mark Anthony Delinski to the extent of \$250,820.98, the full amount of benefits paid by the Health Fund on Mr. Delinski's behalf, or the entire amount of any settlement related to the personal injury claim(s) arising from Mr. Delinski's accident on or about July 19, 2014, whichever is lesser.
- b. Order the Defendants to produce all documents specifically identifying the type and location of any assets already paid and/or to be paid by a third party in settlement of the personal injury claim arising from Mr. Delinski's personal injury claim(s) arising from Mr. Delinski's accident on or about July 19, 2014.
- c. Grant such further relief as the interest of justice may require, including interest, attorneys' fees and costs.

November 6, 2019

Date

/s/ Corey Smith Bott

Corey Smith Bott
Bar No. 25673

/s/ Shauna Barnaskas

Shauna Barnaskas
Bar No. 16755

Abato, Rubenstein and Abato, P.A.
809 Gleneagles Court, Suite 320
Baltimore, Maryland 21286
(410) 321-0990

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, I will cause to be served, contemporaneously with the Complaint and Summons, once issued, in accordance with Rule 4 of the Federal Rules of Civil Procedure, a copy of the foregoing Motion for Temporary Restraining Order and/or Preliminary Injunction, and for Accelerated Discovery, and Memorandum in support of the Motion, with attachments appended thereto, to all Defendants:

Estate of Mark A. Delinski
1783 Melbourne Road
Dundalk, Maryland 21222

Cynthia Delinski
1783 Melbourne Road
Dundalk, Maryland 21222

Eric Delinski
1783 Melbourne Road
Dundalk, Maryland 21222

Cliff Hardwick, Esquire
210 North Charles Street, # 1501
Baltimore, Maryland 21201

Clifford Hardwick, Resident Agent
Hardwick & Harris, LLP
210 North Charles Street, # 1501
Baltimore, Maryland 21201

Hardwick & Harris Escrow Account
Held in Trust for the Estate of Mark
A. Delinski, Cynthia Delinski, and
Eric Delinski
210 North Charles Street, #1501
Baltimore, Maryland 21201

Personal Injury Trust for the Benefit of the
Beneficiaries of Mark A. Delinski
210 North Charles Street, #1501
Baltimore, Maryland 21201

/s/ Shauna Barnaskas
Shauna Barnaskas